FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.1785 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.N.N.Gawankar h/for Arfan Sait for the applicants.

Mr.Y.S.Shinde, APP for the State.

Coram : R.S.Mohite,J

Date : 15.6.2006.

PC

1. This is an application for grant of bail. The applicants are shown as accused in C.R.No.I-313/2004 registered by the Ambernath police station. The deceased is one Prakash. Statements of 4 eye witnesses recorded implicates all the accused persons. It is the case of the prosecution that accused Iqbal Shaikh alongwith his 4 sons viz. Anwar who is present applicant no.2, Musa, Hussain and Kallu knocked down the motor cycle of the deceased and thereafter assaulted him. These

persons were carrying dangerous weapons like choppers and sword. It is true that present applicant no.2 was not carrying anything but all the witnesses talked about his arriving in the same rikshaw and assaulting the deceased. This is a gruesome crime where one of the hands of the deceased was chopped at the elbow. Merely because present applicant was not carrying dangerous weapon does not mean that he cannot be convicted with the aid of Section 34 of IPC. In the circumstances, not a fit case for grant of bail. Application stands rejected.

2. It is made clear that the observations made in this order will not be used by the trial Court at the stage of trial.

(R.S.Mohite,J)